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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,549	09/10/2003	Koji Oka	242401US2	3246
22850	7590	08/22/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LAM, HUNG H	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 08/22/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/658,549	<b>Applicant(s)</b> OKA ET AL.	
	<b>Examiner</b> HUNG H. LAM	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 7-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/10/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments, filed on 04/30/08, have been entered and made of record. Claims 3-5 and 9-15 are canceled. Claims 1-2 and 6-8 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Werner (US-2003/0,202,104).

With regarding **claim 1**, Werner discloses a digital camera comprising:

a device for storing image data (Fig. 1; memory 108);

a communication device connected to a local area network to conduct a data communication (Fig. 1; TX/RX 106); and

a control device to control said storing device and said communication device (controller 104), wherein

said control device controls said communication device to broadcast request data over said local area network (Fig. 12; see step 1212), and when data for responding to said request data is received from a piece of equipment which is connected to said local area network (Fig. 12; see step 1214; [0052-0055]), said control device detects an IP address of the piece of equipment from which said response data is sent (Fig. 12; see step 1216; the physical address of one or more photo processing establishments is interpreted as one or more IP addresses), and sends the image data which is stored in said storing device to the piece of equipment which includes the detected IP address (1218; [0055]).

With regarding **claim 2**, Werner discloses a digital camera according to claim 1, further comprising:

a display device to display a list of the IP addresses detected by said control device or a list of the equipment which includes the IP addresses (Fig. 12; see step 1216); and

a selection device to select one or more of the IP addresses or the equipment displayed on said list ([0055]: a selection device is inherently included in order to select a particular photo processing establishment as a destination for sending image data), wherein

said control device sends the image data stored in said storing device to the equipment which includes the one or more of IP addresses selected by said selection device or the equipment which is selected by said selection device ([0055]).

With regarding **claim 6**, the claim is a method of the apparatus claim 1. Therefore, claim 6 is analyzed and rejected as previously discussed under claim 1.

***Allowable Subject Matter***

6. Claims 7-8 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 7**, the prior art of record fails to teach or fairly suggest a system for sending and receiving image data comprising:

a digital camera; and

**terminal equipment that broadcasts requested data, said digital camera including: a device for storing image data;**

**a communication device connected to a local area network to communicate data; and**

**a camera control device to detect an IP address of the terminal equipment, said IP address being included in the request data, which is received through said local area network by said communication device, and to send response data, including an IP address of the camera to said detected IP address of the terminal equipment, and when data for requesting an image data transmission is received from said terminal equipment in response to the response data, the camera control device sends the image data stored in said storing device to said terminal equipment in accordance with said data for requesting the image data transmission,**

**said terminal equipment including:**

**a terminal communication device connected to said local area network to conduct a data communication; and**

**a terminal control device to send broadcast request data with to said local area network by the terminal communication device, and to detect the IP address of said digital camera by the response data when said data for responding to said request data is received, and to send the data for requesting the image data transmission to the detected IP address, and to obtain the image data from said**

**digital camera replied in accordance with said data for requesting the image data transmission.**

Regarding **claim 8**, the claims is allowed as being dependent of claim 7.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Avery (US-2003/0,065,822) discloses a computer switch box for broadcasting its own IP address in order to detect any active server.

b) Berstis (US-2002/0,003,409) discloses webcam that sends images to other client computer.

c) Kahn (US- 2004/0,003,409) discloses a camera connecting to local host for transmitting images over closest image server.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG H. LAM whose telephone number is (571)272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LIN YE can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HL  
08/03/08

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622